

1-1 By: Raymond (Senate Sponsor - Nelson) H.B. No. 144
1-2 (In the Senate - Received from the House April 2, 2013;
1-3 April 9, 2013, read first time and referred to Committee on
1-4 Criminal Justice; May 9, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to a mental examination of a child subject to the juvenile
1-18 justice system.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 51.20(a), (b), (c), and (d), Family
1-21 Code, are amended to read as follows:

1-22 (a) At any stage of the proceedings under this title,
1-23 including when a child is initially detained in a pre-adjudication
1-24 secure detention facility or a post-adjudication secure
1-25 correctional facility, the juvenile court may, at its discretion or
1-26 at the request of the child's parent or guardian, order a child who
1-27 is referred to the juvenile court or who is alleged by a petition or
1-28 found to have engaged in delinquent conduct or conduct indicating a
1-29 need for supervision to be examined by a disinterested expert,
1-30 including a physician, psychiatrist, or psychologist, qualified by
1-31 education and clinical training in mental health or mental
1-32 retardation and experienced in forensic evaluation, to determine
1-33 whether the child has a mental illness as defined by Section
1-34 571.003, Health and Safety Code, ~~or~~ is a person with mental
1-35 retardation as defined by Section 591.003, Health and Safety Code,
1-36 or suffers from chemical dependency as defined by Section 464.001,
1-37 Health and Safety Code. If the examination is to include a
1-38 determination of the child's fitness to proceed, an expert may be
1-39 appointed to conduct the examination only if the expert is
1-40 qualified under Subchapter B, Chapter 46B, Code of Criminal
1-41 Procedure, to examine a defendant in a criminal case, and the
1-42 examination and the report resulting from an examination under this
1-43 subsection must comply with the requirements under Subchapter B,
1-44 Chapter 46B, Code of Criminal Procedure, for the examination and
1-45 resulting report of a defendant in a criminal case.

1-46 (b) If, after conducting an examination of a child ordered
1-47 under Subsection (a) and reviewing any other relevant information,
1-48 there is reason to believe that the child has a mental illness or
1-49 mental retardation or suffers from chemical dependency, the
1-50 probation department shall refer the child to the local mental
1-51 health or mental retardation authority or to another appropriate
1-52 and legally authorized agency or provider for evaluation and
1-53 services, unless the prosecuting attorney has filed a petition
1-54 under Section 53.04.

1-55 (c) If, while a child is under deferred prosecution
1-56 supervision or court-ordered probation, a qualified professional
1-57 determines that the child has a mental illness or mental
1-58 retardation or suffers from chemical dependency and the child is
1-59 not currently receiving treatment services for the mental illness,
1-60 ~~or~~ mental retardation, or chemical dependency, the probation
1-61 department shall refer the child to the local mental health or

2-1 mental retardation authority or to another appropriate and legally
2-2 authorized agency or provider for evaluation and services.

2-3 (d) A probation department shall report each referral of a
2-4 child to a local mental health or mental retardation authority or
2-5 another agency or provider made under Subsection (b) or (c) to the
2-6 Texas Juvenile Justice Department [~~Texas Juvenile Probation~~
2-7 ~~Commission~~] in a format specified by the department [~~commission~~].

2-8 SECTION 2. This Act takes effect September 1, 2013.

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